

Application No. 10/810,349  
Filed: March 26, 2004  
TC Art Unit: 3721  
Confirmation No.: 8227

REMARKS

Claims 1, 5, 10-11, and 15 have been rejected under 35 U.S.C. § 103(a) over Fallas (US 4,864,801) (Fallas '801) in view of Leibetseder (US 4,805,379). Reconsideration of this rejection is respectfully requested.

The present invention relates to an apparatus for loading containers with bags, particularly suitable for bags of, for example, potatoes and the like, which can have a weight of up to approximately 25 kg. (Specification, page 1, lines 12-15.) To allow accurate control of vertical movement of the holder without needing heavy expensive motors, the holder is partly carried, at least during its downward movement, by at least one pressure-controlled air cylinder and is partly carried by a drive that controls the vertical position of the holder. (Specification, page 4, line 31, to page 5, line 3.) Thus, with such an arrangement, most of the weight can be carried by the simpler and less costly pressure-controlled air cylinder, while the holder can be positioned more accurately with the controllable drive. Further, because the controllable drive may be small and need carry only a small weight, the costs of the controllable drive may be minimized. Scanning of product already in the container may be carried out accurately and in a product-friendly manner. (Specification, page 7, line 29, to page 8, line 1.)

Leibetseder has been cited for teaching a holder that is partly carried by one pressure controlled air cylinder 35 and partly carried by a drive controlling a vertical position of the holder. In Leibetseder, however, carrying the weight of the holder

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and control of the vertical movement is all done with a single element, namely, the piston actuator 35. (Col. 4, lines 49-53.) The piston actuator may be provided with feelers, such as spaced apart reed relays or lengths measuring means that cooperate with light barriers. (Col. 5, lines 7-16.) Precise and continuous control, such as provided by the presently claimed invention, is not possible with Leibetseder.

Thus, Leibetseder does not disclose a combination of a pressure controlled air cylinder for carrying the larger part of the weight of the holder and a drive for controlling the vertical position of the holder. Accordingly, claim 1 and the claims dependent therefrom are believed to be patentable over Fallas '801 in view of Leibetseder.

Claims 2-4 have been rejected under § 103(a) over Fallas '801 in view of Leibetseder and further in view of Focke (US Pat. No. 5,430,994). These claims are believed to be patentable for the reasons set forth with respect to independent claim 1, and no further comment is therefore believed necessary at this time.

Claims 6-8, 13, 22, and 22 have been rejected under § 103(a) over Fallas '801 in view of Leibetseder and further in view of Fallas (US 5,123,231) (Fallas '231). These claims are believed to be patentable for the reasons set forth with respect to independent claim 1, and no further comment is therefore believed necessary at this time.

Claims 19 and 21 have been rejected under § 103(a) over Fallas '801 in view of Leibetseder and further in view of Focke and Fallas '231. These claims are believed to be patentable for the reasons set forth with respect to independent claim 1, and no further comment is therefore believed necessary at this time.

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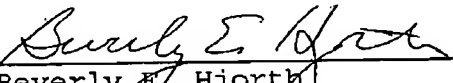
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In view of the above remarks, all claims are believed to be in condition for allowance. Reconsideration and indication thereof are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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